

AO 441 (Rev. 07/10) Summons on Third-Party Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of California

_____)	
Benjamin Wise)	
Plaintiff)	
V.)	Civil Action No. 5:18-cv-07454-LHK-svk
Monterey County Hospitality Association Health and Welfare Plan)	
_____)	
Defendant, Third-party plaintiff)	
V.)	
Eric Miller Architects)	
_____)	
Third-party defendant)	

SUMMONS ON A THIRD-PARTY COMPLAINT

To: *(Third-party defendant's name and address)* Eric Miller Architects, Inc.
211 Hoffman Avenue Monterey, CA 93940

Monterey County Hospitality Association

A lawsuit has been filed against defendant Health and Welfare Plan _____, who as third-party plaintiff is making this claim against you to pay part or all of what the defendant may owe to the plaintiff Benjamin Wise _____.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff and on the defendant an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the defendant or defendant's attorney, whose name and address are:

Stephan A. Barber, Esq.
JRG Attorneys at Law 318 Cayuga
Street Salinas, CA 93901

It must also be served on the plaintiff or plaintiff's attorney, whose name and address are:

David J. Davis, Davis Law Group, PLC, 17383 W. Sunset Blvd., Suite A380, Pacific Palisades, CA 90272

If you fail to respond, judgment by default will be entered against you for the relief demanded in the third-party complaint. You also must file the answer or motion with the court and serve it on any other parties.

A copy of the plaintiff's complaint is also attached. You may — but are not required to — respond to it.

Date: _____

CLERK OF COURT

Signature of Clerk or Deputy Clerk

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PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____
 _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: